

LEGISLATURE OF THE STATE OF IDAHO  
Sixty-third Legislature First Regular Session - 2015

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 168

BY APPROPRIATIONS COMMITTEE

AN ACT

PROVIDING LEGISLATIVE INTENT TO MAINTAIN BROADBAND SERVICES TO IDAHO PUBLIC SCHOOLS; APPROPRIATING ADDITIONAL MONEYS IN FISCAL YEAR 2015 TO THE SUPERINTENDENT OF PUBLIC INSTRUCTION; PROVIDING LEGISLATIVE INTENT REGARDING THE USE OF FUNDS; AUTHORIZING PROCUREMENT FLEXIBILITY FOR SCHOOL DISTRICTS; REQUIRING REPORTING BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION; REDUCING THE FISCAL YEAR 2015 APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION PROVIDED IN SECTION 1, CHAPTER 227, LAWS OF 2014; REDUCING THE FISCAL YEAR 2015 APPROPRIATION TO THE DEPARTMENT OF ADMINISTRATION PROVIDED IN SECTION 1, CHAPTER 229, LAWS OF 2014; AND DECLARING AN EMERGENCY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. It is a legislative priority to maintain broadband services and ensure minimal interruption of such services to Idaho schools by providing direct funding to schools for the remainder of the 2014-2015 school year. This funding is intended to protect Idaho's schoolchildren and their education from disruption in the current school year while the state works on a longer-term solution to pay for Internet-based curriculum and connectivity. Funding is provided for the state match and the equivalent of E-rate funding previously used to support the Idaho Education Network beginning on February 11, 2015, through June 30, 2015.

SECTION 2. In addition to the appropriation made in Section 1, Chapter 308, Laws of 2014, and any other appropriation provided for by law, there is hereby appropriated to the Superintendent of Public Instruction, \$3,640,500 from the General Fund, to be expended for the period July 1, 2014, through July 31, 2015.

SECTION 3. USE OF FUNDS. It is the intent of the Legislature that the funding provided in Section 2 of this act is for schools to purchase broadband services in an amount equivalent to what was provided through the Idaho Education Network as of February 1, 2015.

(a) The Superintendent of Public Instruction shall require school districts to provide documentation, as determined by the superintendent, to support all funds distributed.

(b) The superintendent shall have the authority to make advances of the money appropriated in Section 2 of this act to school districts as the superintendent deems adequate, as determined by past usage, and of sufficiency to minimize financial difficulties by the school districts while procuring services.

(c) The superintendent shall target the resources necessary for students currently relying on online curricula by coordinating with the Idaho Digital Learning Academy and other providers of online education

1 to identify barriers to completing their courses and finding appropri-  
2 ate solutions. The superintendent shall prioritize assistance to those  
3 students who are scheduled to graduate in the spring or winter of 2015.

4 (d) This is a fixed appropriation and any surplus shall revert back to  
5 the General Fund on July 31, 2015. School districts are cautioned that  
6 funding from the state for fiscal year 2016 is not included in this act.  
7 However, it is the intent of the Legislature to provide funding for  
8 these services for fiscal year 2016 as soon as is practicable.

9 SECTION 4. PROCUREMENT FLEXIBILITY FOR SCHOOL DISTRICTS. It is the  
10 intent of the Legislature that school districts shall have the power to pro-  
11 cure telecommunication services, including high-bandwidth connectivity,  
12 Internet access, and purchases of equipment, and other related services,  
13 as necessary to provide for the continuation of services formerly provided  
14 by the Idaho Education Network, with the funds appropriated in Section 2 of  
15 this act. All procurement shall be in accordance with Idaho Code governing  
16 procurement for an emergency pursuant to Section 67-2806 (1) (b), Idaho Code.  
17 Provided however, that when a school district determines that the dollar  
18 limitations provided for in Section 67-2806(2), Idaho Code, apply, the  
19 school district may apply the provisions of Section 67-2806(1) (a) through  
20 (e), Idaho Code, allowing certain exemptions for an emergency under Section  
21 67-2806(1) (b), Idaho Code, when the school district finds that conditions  
22 exist that make it impractical or impossible to delay contracting for ser-  
23 vices or to engage multiple bidders. Although not limiting, the following  
24 school districts most likely to make such a determination, due to the pro-  
25 jected cost of the services, are the following: Boundary County School Dis-  
26 trict, Coeur d'Alene School District, Fremont County Joint School District,  
27 Garden Valley School District, Lake Pend Oreille School District, Lakeland  
28 School District, Mountain View School District, Post Falls School District,  
29 Salmon River Joint School District and Teton County School District.

30 SECTION 5. REPORTING REQUIREMENTS. The superintendent shall collect  
31 information from the school districts and report back to the Legislature and  
32 to the Governor as to the level of service purchased with the funds provided  
33 for in Section 2 of this act, the dollar amounts distributed to each of the  
34 school districts, a list of the school districts using the emergency pro-  
35 curement procedures authorized in Section 4 of this act, and information re-  
36 lating to students, by school district, who will be able to continue online  
37 classes through the current school year, of which classes were previously  
38 offered through the Idaho Education Network or any other online providers.  
39 This information shall be provided to the President Pro Tempore of the Sen-  
40 ate, the Speaker of the House of Representatives, the Chairmen of the Senate  
41 and House Education Committees, the Chairmen of the Joint Finance-Appropri-  
42 ations Committee, and to the Governor, at the end of each month beginning in  
43 March continuing through July 2015.

44 SECTION 6. Notwithstanding any other provision of law to the contrary,  
45 the appropriation made to the Department of Administration for the Idaho Ed-  
46 ucation Network Program in Section 1, Chapter 227, Laws of 2014, from the

1 General Fund, is hereby reduced by \$1,759,700, for operating expenditures,  
2 for the period July 1, 2014, through June 30, 2015.

3 SECTION 7. Notwithstanding any other provision of law to the contrary,  
4 the appropriation made to the Department of Administration for the Idaho Ed-  
5 ucation Network Program in Section 1, Chapter 229, Laws of 2014, from the  
6 General Fund, is hereby reduced by \$3,292,300, for operating expenditures,  
7 for the period July 1, 2014, through February 28, 2015.

8 SECTION 8. An emergency existing therefor, which emergency is hereby  
9 declared to exist, this act shall be in full force and effect on and after its  
10 passage and approval.